

ORDINANCE NO. 1, SERIES 1997

AN ORDINANCE PROVIDING FOR THE CONTROL OF NUISANCE, GARBAGE, REFUSE AND WEEDS AND PROHIBITING LITTERING, ABANDONMENT OR DUMPING OF GARBAGE, REFUSE, TRASH OR ANY OTHER ITEMS OR MATERIALS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Section 1. Purpose: The purpose of this Ordinance is to protect the health, safety, and welfare of the citizens of Jamestown through the removal of nuisance garbage, refuse and weeds and prohibiting the littering, abandonment and dumping of garbage, refuse and trash. This includes removal by the Town upon notice to and failure of the property owner to remove such materials and the provision for criminal penalties for violations.

Section 2. Authority an Applicability: This Ordinance is authorized by Section 31-15-401, C.R.S., which provides that the Town Board shall have the power to provide for, and compel the removal of offensive materials within the limits of the municipality.

Section 3. Depositing, Littering, Abandonment of Materials: No person shall deposit, abandon or dump in any street or alley, public or private, or upon any premises or property in the town, any garbage, refuse, trash, litter or any other offensive item or materials of a kind.

Section 4. Keeping or Harboring of Nuisance: No person shall retain or harbor on premises any dead animal or person. No person shall retain decaying animal or vegetable matter or any substance emitting four or offensive odors on premises.

Section 5. Prohibition of Weeds, Trash or other Item or Materials: No person shall keep or accumulate trash, waste or other unsightly or offensive items or materials on premises within public view. It shall be unlawful for the owner of any lot, tract or parcel of land, or for the agent of any owner, within the town to allow the accumulation of weeds, brush, or other noxious or offensive growth. Dead trees, limbs, brush, slash and other potential fire hazards shall be promptly removed from public and private properties.

Section 6. Remedies of Public Nuisance: A violation of Section 3. of this Ordinance shall be immediately enforced. Upon determination a violation by a majority of the Board of Trustees at public meeting, of Section 4. or Section 5. of this Ordinance the board shall, through the offices of the Town Clerk, make reasonable effort to serve appropriate notice of violation upon the owner or agent of the premises where the nuisance exists. The owner or agent shall be allowed 15 days from receipt of notice to respond in writing to the Town. The Board, upon considerations of the response, if any, may dismiss the violation, negotiate a remedy or seek enforcement. If the Board deems that the nuisance is a potential immediate danger to persons or property, the town may impose remedy at the expense of the owner or agent in addition to penalties provided in Section 7.

Section 7: Violation: Any person who violates any provision of this Ordinance shall be punished by a fine of not more than one thousand dollars. (\$1,000.00) or by imprisonment for not exceed one (1) year or both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Ordinance is committed, continued or permitted by such person shall be deemed a separate offense.

Section 8. Severability: If any portion of this Ordinance, or application thereof to any person or circumstances, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. No Impairment: The repeal or modification of any provision of the Municipal Code of the Town of Jamestown by this Ordinance shall not release, extinguish, alter, modify or changes in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be render, entered, or made in such actions, suits, proceedings or prosecutions.

Section 10. Repeal: All ordinances or parts of ordinances, of the Town of Jamestown, Colorado in conflict herewith are hereby repealed, and specifically: Ordinance Number 1, Series 1964, which is repealed in its entirety.

Section 1. Safety Clause and emergency Effective Date: The Board of Trustees herewith finds, determines and declares that this Ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide standards and requirements for the control of dumping, littering and abandonment of refuse and the retention or harboring of nuisances within the Town. This Ordinance shall be effective upon adoption and approval by the Mayor.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED IN FULL THIS 6th DAY OF JANUARY, 1997.

TOWN OF JAMESTOWN, COLORADO

s/ James Argenio
JAMES ARGENIO, MAYOR

Attest:

s/ Mary Ellen Burch
Mary Ellen Burch, Town Clerk